

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jacqueline M. McAlister
Debtor(s)

Bankruptcy Case No.: 18-24756-GLT
Issued Per 1/28/2019 Proceeding
Chapter: 13
Docket No.: 30 – 12
Concil. Conf.: August 29, 2019 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated December 11, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Aug. 29, 2019 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Claim No. 1 of Credit Acceptance shall not be paid due to surrender of collateral.

Claim No. 7 of Ally shall be paid outside the plan by Co-Debtor.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: January 31, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jacqueline M. McAlister
 Debtor

Case No. 18-24756-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Jan 31, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 02, 2019.

db
 14963048 +Jacqueline M. McAlister, 88 North Broadway Ave, North Versailles, PA 15137-1839
 14963055 Allegheny County Treasurer, Room 108 Court House, Pittsburgh, PA 15219
 14963057 +Client Services, Inc., 3451 Harry Truman Boulevard, Saint Charles, MO 63301-9816
 +Comenity Bank/Victoria's Secret, Portfolio Recovery Associates, LLC, P.O. Box 12914,
 Norfolk, VA 23541-0914
 14963543 +Credit Acceptance, 25505 West Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331
 14963058 +Credit Acceptance Corp, P.O. Box 5070, Southfield, MI 48086-5070
 14963060 +Fed Loan Service, P.O. Box 60610, Harrisburg, PA 17106-0610
 14963066 +Mary Ann Fetsick, Tax Collector, 1401 Greensburgh Ave., Suite 3,
 North Versailles, PA 15137-1630
 14977105 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue,
 Pittsburgh, PA 15233-1828
 14963067 #+Pressler, Felt & Warshaw, LLP, Attn: Ian Zev Winograd, Esq.,
 508 Prudential Road, Suite 200-B, Horsham, PA 19044-2309
 14986901 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 14963068 +Union Home Mortgage, 8241 Dow Circle West, Strongsville, OH 44136-1761

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Feb 01 2019 02:50:04
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS,
 Oklahoma City, OK 73118-7901
 cr +E-mail/Text: kburkley@bernsteinlaw.com Feb 01 2019 02:46:01 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14969526 E-mail/Text: ally@ebn.phinsolutions.com Feb 01 2019 02:44:29 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 14963049 +E-mail/Text: ally@ebn.phinsolutions.com Feb 01 2019 02:44:29 Ally Financial,
 200 Renaissance Ctr, Detroit, MI 48243-1300
 14963050 +E-mail/Text: bsimmons@amsher.com Feb 01 2019 02:45:45 At & T/DirectTV,
 c/o Amsher Collection Services, Inc., 4524 Southlake Parkway, Suite 15,
 Birmingham, AL 35244-3271
 14963051 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 01 2019 02:50:03 Capital One,
 P.O. Box 30281, Salt Lake City, UT 84130-0281
 14963052 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com Feb 01 2019 02:49:02
 Capital One Auto Finance, 3901 Dallas Parkway, Plano, TX 75093-7864
 14967369 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Feb 01 2019 02:49:31
 Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
 14971255 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 01 2019 02:48:57
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14963912 +E-mail/Text: bankruptcy@cavps.com Feb 01 2019 02:45:39 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 14963053 +E-mail/Text: bankruptcy@cavps.com Feb 01 2019 02:45:39 Citibank,
 c/o Cavalry Portfolio Services, P.O. Box 27288, Tempe, AZ 85285-7288
 14963056 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 01 2019 02:50:07 Comenity,
 c/o Portfolio Recovery Associates, 120 Corporate Blvd. Suite 1, Norfolk, VA 23502-4952
 14963059 E-mail/Text: mrdiscen@discover.com Feb 01 2019 02:44:30 Discover Financial Services,
 P.O. Box 15316, Wilmington, DE 19850
 14966439 E-mail/Text: mrdiscen@discover.com Feb 01 2019 02:44:30 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14968070 +E-mail/Text: RVSVCBICNOTICE1@state.pa.us Feb 01 2019 02:45:08
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946,
 Harrisburg, PA 17128-0946

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Cenlar as servicer for Union Home Mortgage Corp.
 cr* +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14963054* +Citibank, c/o Cavalry Portfolio Services, P.O. Box 27288, Tempe, AZ 85285-7288
 14963061* +Fed Loan Service, P.O. Box 60610, Harrisburg, PA 17106-0610
 14963062* +Fed Loan Service, P.O. Box 60610, Harrisburg, PA 17106-0610
 14963063* +Fed Loan Service, P.O. Box 60610, Harrisburg, PA 17106-0610
 14963064* +Fed Loan Service, P.O. Box 60610, Harrisburg, PA 17106-0610
 14963065* +Fed Loan Service, P.O. Box 60610, Harrisburg, PA 17106-0610

TOTALS: 1, * 7, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
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User: dbas
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Page 2 of 2
Total Noticed: 27

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***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 02, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 31, 2019 at the address(es) listed below:

Dennis J. Spyra on behalf of Debtor Jacqueline M. McAlister attorneyspyra@dennisspyra.com,
deborah@dennisspyra.com;missdebrastone@msn.com
James Warmbrodt on behalf of Creditor Cenlar as servicer for Union Home Mortgage Corp.
bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 6